

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WBAI et al.,

Petitioners,

-v-

PACIFICA FOUNDATION,

Respondent.

19 Civ. 9387 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

This case was filed by petitioners on October 7, 2019, removed to federal court by respondents on October 10, 2019, and assigned to this Court the following day. Counsel for both parties have entered an appearance. Before the case was removed, a New York State Supreme Court judge had entered a temporary restraining Order (TRO), which is set to expire on October 18, 2019. The Court hereby issues the following Order:

1. A hearing in this matter is scheduled for Monday, October 21, 2019, at 3 p.m. in Courtroom 1305 at the Thurgood Marshall U.S. Courthouse, 40 Centre Street, New York, New York 10007. The hearing will function as both an initial conference and as a hearing to take up the continuing need for a TRO or a preliminary injunction.
2. The Court extends the TRO through the end of the October 21 hearing. The Court finds good cause to extend the TRO, so as to enable the Court to receive briefing and, to the extent necessary, argument, on the need for further preliminary relief.
3. The parties are directed to submit letter briefs on why the TRO should, or should not, be extended and/or converted to a preliminary injunction. Petitioner is directed to submit its

brief by close of business on Wednesday, October 16, 2019. Respondent is directed to submit its brief by close of business on Friday, October 18, 2019. The Court does not invite a reply.

4. The Court grants petitioner leave to file what it has styled as its “Corrected First Amended Petition,” Dkt. 12, as its “Second Amended Petition.” Petitioner should do so by Friday, October 18, 2019. Petitioner should use this opportunity to make any other amendments in the complaint that it intends to make, as a party does not have, under Federal Rule of Civil Procedure 15, a right to amend a complaint more than once. *See* Dkt. 14 & 15.

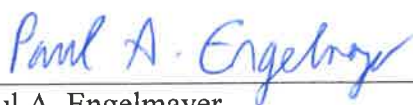
5. By close of business on Friday, October 18, 2019, counsel for Respondent should file a brief letter with the Court explaining the basis or bases for this Court’s jurisdiction. If Respondent is relying, in whole or in part, on diversity jurisdiction, counsel should specify the citizenship of all named plaintiffs and all named defendants (including the citizenship of all members or partners in any non-corporate entity).

6. Also by the close of business on Friday, October 18, 2019, the parties should file a joint letter, not to exceed three single-spaced pages in length, addressing the following topics in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; and (3) the prospect for settlement. The parties should also submit a proposed case management plan, consistent with the Court’s Individual Rules, found at <http://www.nysd.uscourts.gov/judge/Engelmayer>. Familiarity with those rules is expected.

All conferences with the Court are scheduled for a specific time; there is no other matter scheduled for that time; and counsel are directed to appear promptly. **All pretrial conferences must be attended by the attorney who will serve as principal trial counsel.** Requests for adjournment may be made only in a writing received no later than 2 business days before the

conference. The written submission must comply with Section 1.E of the Court's Individual Rules. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: October 15, 2019
New York, New York